

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

**John W. Sinclair
Linda L. Sinclair
Debtors**

§
§
§
§

**CASE NO. 11-34564
CHAPTER 13**

**MOTION TO FILE NON STANDARD MOTION
FOR ENTRY OF CHAPTER 13 DISCHARGE AND
PROPOSED DISCHARGE ORDER**

June 29, 2016

IF YOU WANT A HEARING, YOU MUST REQUEST ONE IN WRITING AND YOU MUST RESPOND SPECIFICALLY TO EACH PARAGRAPH OF THIS PLEADING. YOU MUST FILE YOUR OBJECTION WITH THE CLERK OF THE BANKRUPTCY COURT WITHIN TWENTY DAYS (21) FROM THE DATE YOU WERE SERVED AND GIVE A COPY TO THE PERSON WHO SENT YOU THE NOTICE. OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF.

IF A PARTY REQUESTS EMERGENCY CONSIDERATION, THE COURT MAY ACT EXPEDITIOUSLY ON THE MATTER. IF THE COURT ALLOWS A SHORTER RESPONSE TIME THAN TWENTY (21) DAYS, YOU MUST RESPOND WITHIN THAT TIME. IF THE COURT SETS AN EMERGENCY HEARING BEFORE THE RESPONSE TIME WILL EXPIRE, ONLY ATTENDANCE AT THE HEARING IS NECESSARY TO PRESERVE YOUR RIGHTS. IF AN EMERGENCY HEARING IS NOT SET, YOU MUST RESPOND BEFORE THE RESPONSE TIME EXPIRES.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Debtor, JOHN W. SINCLAIR, by and through his attorney, Melissa R. Lanier, and pursuant to 11 U.S.C. §1328 and Bankruptcy Rule 4004 respectfully requests that the Debtor, John W. Sinclair be allowed to file a Non Standard Motion for Entry of Chapter 13 Discharge and Proposed Discharge Order, and in support thereof would show as follows:

- 1) This Court has jurisdiction of this matter pursuant to 28 U.S.C. §1328.
- 2) Debtor filed for relief under Chapter 13 bankruptcy on May 31, 2011 and the case was confirmed on October 17, 2011.

- 3) Subsequent to the filing of this bankruptcy case, Debtor, John Sinclair became involved in a legal matter whereby there is a proceeding pending against him involving a felony charge.
- 4) The criminal proceeding currently pending is not of the kind described in section 522(q)(1)(A) nor does it involve any liability for a debt of the kind described in section 522(q)(1)(B).
- 5) The Debtor has completed all of the payments required under the Chapter 13 plan and fulfilled all duties required of a Chapter 13 Debtor.
- 6) Debtor has taken the required Financial Management Course and the Certificate was filed with the court on May 23, 2016.

WHEREFORE, PREMISES CONSIDERED, John W. Sinclair prays that this Court enter an Order that John W. Sinclair be allowed to file a Non Standard Motion for Entry of Chapter 13 Discharge and Proposed Discharge Order, and for any other relief that the Court may deem appropriate.

Respectfully submitted,

CURRIN, WUEST, MIELKE, PAUL & KNAPP, PLLC.

/s/ Melissa Rae Lanier
MELISSA RAE LANIER
State Bar No. 24055818
800 Rockmead Drive, Ste. 220
Kingwood, TX 77339
Ph: 281-359-0100
Fax: 281-359-3466

CERTIFICATE OF SERVICE

I certify that on this 28 day of June, 2016, I sent a true and correct copy of the above and foregoing Debtor's Motion to File Non Standard Motion for Entry of Chapter 13 Discharge and Proposed Discharge Order to the following parties by the following means and via first class mail to attached creditor matrix:

/s/Melissa R. Lanier
Melissa R. Lanier

1. Debtors (regular first class mail):

John & Linda Sinclair
310 Crosby Village Drive
Crosby, TX 77532

2. Parties requesting notice (electronically):

Cristina Platon Camarata
Buckley Madole, PC.
Attorney for Harley Davison Credit Corporation
cristina.camarata@buckleymadole.com, notice @bkcylaw.com

Scott D Fink – (electronically)
Weltman, Weinberg & Reis
Attorney for KeyBank, N.A.
Bronationalecf@weltman.com

Heather Gram-Chavez
Barrett Daffin Turner Engel LLP
Attorney for Lakeview Loan Servicing, LLC
sdecf@bdfgroup.com

R Christopher Naylor
Devlin Naylor and Turbyfill
Attorney for Ford Motor Credit Company LLC
king@dnlaw.com

Steve Turner
Barrett Daffin Frappier Turner & Engel
Attorney for Bank of America
sdecf@BDFGROUP.com

Donna Wilkinson
Barrett Daffin et al
Attorney for M&T Bank
sdecf@bdfgroup.com

3. The Chapter 13 Trustee Electronically

David G. Peake, Chapter 13 Trustee

4. U.S. Trustee – Electronically

US Trustee Office
515 Rusk Street, Ste. 3516
Houston, Texas 77002

5. Parties requesting notice (regular first class mail)):

Desiree Johnson
Attorney for Bank of America
2380 Performance Drive, Building C
Richardson, TX 75082

CR Evergreen II, LLC
MS 550
PO Box 91121
Seattle, WA 98111-9221

Candica, LLC
c/o Weinstein & Riley, P.S.
2001 Western Ave., Ste. 400
Seattle, EA 98121

East Bay Funding, LLC
c/o Resurgent Capital Services
PO Box 288
Greenville, SC 29603

PRA Receivables Management LLC
PO Box 41067
Norfolk, VA 23541

Recovery Management Systems Corporation
25 S.E. 2nd Avenue
Ste. 1120
Miami, FL 33131

eCast Settlement Corporation
c/o Bass & Associate, P.C.
3936 East Fort Lowell Rd. Ste. 600
Tucson, AZ 85712